

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DARIUS HINES,

Petitioner,

Vs

9:08-CV-451

DEBORA G. SCHULT, Warden,

Respondent.

APPEARANCES:

OF COUNSEL:

DARIUS HINES

Petitioner, Pro Se

21263-038

FCI Ray Brook

PO Box 9007

Ray Brook, NY 12977

HON. ANDREW T. BAXTER

Acting United States Attorney

for the Northern District of New York

P. O. Box 7198

100 South Clinton Street

Syracuse, New York 13261-5165

CHARLES E. ROBERTS, ESQ.

Assistant U.S. Attorney

DAVID N. HURD

United States District Judge

ORDER

Petitioner, Darius Hines, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Report-Recommendation dated January 14, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the petition in this matter be denied and dismissed; and further, that a certificate of appealability not issue. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Bianchini, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

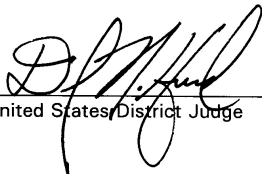
Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in all respects.

A Certificate of Appealability will not be issued.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: February 10, 2009
Utica, New York.